IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9451 of 2005

Between:

1 Kakarla Sri Rama rao S/o.Late .K.Venkata Narayana
R/o.Bapulapadu Mandal Krishna district.
2 Nalliboina Yesuraju S/o.N.Nagabhushnam
R/o. Bapula Mandal Krishna District.

..... PETITIONERS

AND

1 The District Collector
Krishna District, Machilipatnam.
2 The Mandal Revenue Officer
Nuzivud, Krishna District.
3 The Mandal Revenue Officer
Bapulapadu Mandal , Krishna district.
4 V.Seetha Devi W/o.Seetha Rama Swamy
Paper Mill, Rajahmundry , East Godavari district.
5 V.Seetha Rama Swamy S/o.Bulli Veera Raghavayya
Paper Mill, Rajahmundry , East Godavari district.
6 V.lakshmi Lalitha Kumari D/o.Seetharamaswamy
Paper Mill, Rajahmundry , East Godavari district.
7 Kavuluri Venkata Seethamma W/o.Venkateswara Rao
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.
8 Parichuri Preemila Rani
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.
9 Parchuri Sreenivasa Rao S/o.Satyanarayana
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.
10 Vallabaneni Padmaja D/o.Seetha rama swamy

Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

11 Parachuri Sivayya S/o.subrahmanyam
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

12 Bapana Swarna Kumari W/o.Sambasiva Rao
Gollapalli, Nuzvid Mandal, Krishna District.

13 Kanuru Venugopala Rao S/o.Seetharamayya
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

14 Meka Ranga Rao S/o.Kotayya
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

15 Tummala Ravi S/o.Venkateswara Rao
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

16 Tummala Raghavendra rao S/o.Ankineedu
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

17 Parichuri Tirupathamma W/o.Venkata Subbaya
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

18 Donavalli Santa Kumari W/o.Venkata Swamy
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

19 Kalidindi Padmanabha raju S/o.Not known
Rangayya Appa Rao peta, Ramannagudem Post Bapulapadu Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the Respondents 1 to 3 in not restraining the respondents 4 to 19 from carrying on the fish and prawn culture in the tanks situated in R.S.No.386/2,388,391/1,391/1B,391/2A, 392/1B, 392/2,392/A,395, 401/3, 402/1 and 402/2 of Kakulapadu Village (Rangaiah Apparao peta Village).Bapulapadu mandal , Krishna District as illegal, arbitrary and unjust and contrary to the observations made by the Hon'ble High Court in the Judgment reported in 2002 (1) ALD-728 and consequently direct the respondents to demolish the said tanks forthwith.

Counsel for the Petitioners:MR.K.CHIDAMBARAM

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos. 4 to 19: --

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9451 OF 2005

O R D E R:

The petitioners claim to be the absolute owners and possessors of the land situated in Kakulapadu Village, Rangaiah Apparaopeta Village, Bapulapadu Mandal, Krishna District.

It is alleged that the respondents 4 to 19 herein, who are having different extents of land adjacent to the land belonging to the petitioners, have converted their lands into fish and prawn tanks and have been carrying on aquaculture.

The grievance of the petitioners is that due to the aquaculture activities being conducted by the respondents 4 to 19, the adjacent agricultural lands have been adversely affected and that though they have made complaints before the respondents 1 to 3, no steps have been taken so far for restraining the respondents 4 to 19 from carrying on the aquaculture activities.

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents 1 to 3.

A Division Bench of this Court in ***Madireddy Padma Rambabu Vs.***

District Forest Officer, Kakinada having considered an identical question, disposed of a batch of writ petitions with a direction to the respondents not to allow any person to carry on the activities of shrimp culture or prawn culture or any type of aquaculture without obtaining the prior permission from the competent authority.

In view of the facts and circumstances of the case, the writ petition is disposed of with a direction to the respondents 1 to 3 to enquire into the allegations made by the petitioners and to take necessary steps, in accordance with law, in the light of the guidelines prescribed in the decision supra, after affording due opportunity to the respondents 4 to 19 to rebut the allegations made against them. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

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(G.ROHINI, J)

Date: 26-04-2005

Note:

Issue CC in one week.

B/o

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To

1 The District Collector
Krishna District, Machilipatnam.
2 The Mandal Revenue Officer
Nuzivud, Krishna District.
3 The Mandal Revenue Officer
Bapulapadu Mandal , Krishna district.
4 Two C.Cs to the Government Pleader for Revenue, High Court Buildings,

A.P., Hyderabad (OUT)

5 Two CD copies